

LAW OFFICES

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November 23, 2005

The Honorable Douglas P. Woodlock  
U.S. District Court Judge  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 4110  
Boston, MA 02210

Re: United States v. Bannerman  
Criminal No. 03-10370-DPW

Your Honor:

Please be advised when reviewing the Judgment entered in the above referenced matter I noted that the Court did not make a recommendation that my client be permitted to participate in the 500 hour program. The purpose of this letter is to request such a recommendation.

I thought I asked the Court to make a recommendation. My confusion on this issue may arise out of the Court's pronouncement which related to the additional conditions of my client's supervised release. More particularly, the Judgment at page 4 requires the Defendant to participate in a program for substance abuse as directed by the U.S. Probation Office including testing not to exceed 104 drug tests per year, to determine whether the Defendant has reverted to the use of alcohol or drugs.

Based on the Presentence Report, and in particular paragraphs 184-194 it appears that my client has had a long history of drug and alcohol abuse. For that reason, I would respectfully submit that his participation in the 500 hour program would assist him in reinforcing his determination to remain drug and alcohol free, for the remainder of his life.

I have had an opportunity to discuss this issue with Assistant United States Attorney Rachel Hershfang who concurs in my request that the Court consider the

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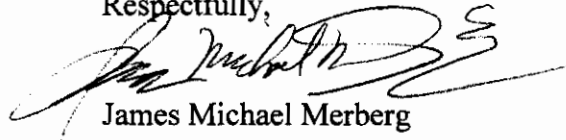
propriety of recommending that Mr. Bannerman be permitted to participate in the 500 hour program.

A second matter relates to a judicial recommendation concerning where my client will be incarcerated. At the time of sentencing I did not ask the Court to make a recommendation, based on my concern that certain correctional facilities do not offer the 500 hour program.

I would respectfully request that the Court consider recommending that my client, based on the age of his widowed mother, be incarcerated somewhere within in the Northeast Region.

On behalf of my client I thank you in advance for considering the two issues raised in this letter.

Respectfully,

A handwritten signature in black ink, appearing to read 'James Michael Merberg', is written over the typed name. The signature is fluid and cursive.

James Michael Merberg

cc: Rachel E. Hershfang, Esquire  
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